

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

DAC  
IPW

Applicant: Xuzhi Qin                      Examiner: Philip C. Tucker  
Serial No. 10/038,350                      Group Art Unit: 1712  
Filed: November 20, 2001                      Docket No. 589.117US1  
Title: PHOTOCHROMIC NAPHTHOPYRAN COMPOUNDS: COMPOSITIONS AND  
ARTICLES CONTAINING THOSE NAPHTHOPYRAN COMPOUNDS



**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED  
APPLICATION UNDER 37 CFR 1.137(b)**

Dear Sir/Madam:

**FACTUAL BACKGROUND**

- 1) An Office Action for the above-identified patent application was mailed by the U.S. Patent and Trademark Office on January 29, 2002, with a due date for a response identified on the Office Action as 1 month from the mailing date, or February 28, 2002 (copy enclosed).
- 2) On October 2, 2002, Examiner Lilling called Mark A. Litman & Associates, P.A. to inquire as to a lack of response to the Office Action, and to notify that failure to respond will result in abandonment of the case.
- 3) Upon investigation, it was discovered that the docket date was listed correctly in the attorney's docketing calendar but it was unintentionally removed without work being done on the case.
- 4) As the documents included with this Petition clearly shows that all formalities for this Application were timely performed by Attorney for Applicants and timely received by the U.S. Patent and Trademark Office, the Abandonment of this Application is clearly in error, was inadvertent and/or unintentional, and should be accepted at this time.

01/04/2005 HALLI 00000032 501391 10038350

01 FC:1453 1500.00 DA  
RECEIVED  
JAN 04 2005  
PATENT & TRADEMARK OFFICE  
ALEXANDRIA, VA

5) Applicants, through their counsel, petitioned to have the abandoned application revived under 37 CFR 1.137(b) in a Petition filed 27 September 2004, but that Petition was refused in a Notice mailed 10 November 2004, which allowed further response to 10 January 2005. The Petition was dismissed because an amendment had not been filed that that automatically placed the application in condition for allowance, a Notice of Appeal had not been filed and/or a request for consideration under the Rules had not been filed.

6) The present Petition files an Amendment that is accompanied by an Amendment that clearly places the Application in condition for allowance, a Petition for Extension of time, insofar as that is needed, and alternatively, a request for Continued Examination. Petition to

7) Applicants, through their Attorney of Record, hereby petition to have the Application re-opened, and to have the Abandonment withdrawn.

8) The fee required for a petition to revive an unintentionally abandoned application under 1.17(m), the amount set forth of \$1,330.00, is hereby authorized to be withdrawn from Attorney's Deposit Account No. 50-1391, as is any fee for any Extension of Time or the Request for Continued Examination..

The other required reply in this Application under the guidelines of 37 C.F.R. 1.37(b) constituted only the cancellation of the two rejected claims, which is respectfully submitted at this time. Nothing further was requested and each of the required steps prior to the Office Action was timely done as shown by the enclosed documents. As the Response to the Restriction Requirement has now been submitted, the Application should be re-opened.

Applicants hereby petition to revive the application due to the fact that the delay in filing the response to the Office Action causing by the abandonment of the application was unintentional and/or inadvertent, and was the sole responsibility of the U.S. Patent and Trademark Office.

The contact person is invited to telephone Applicant's attorney (952) 832-9090 if necessary. **If necessary please charge any additional fees to Deposit Account No. 50-1391 for the petition for revive unintentional abandonment under 37 CFR 1.137(b).**

Respectfully submitted,

Xuzhi Qin

By His Representatives,

Mark A. Litman & Associates, P.A.  
York Business Center, Suite 205  
3209 West 76<sup>th</sup> Street  
Edina, MN 55435  
(952) 832-9090

Date: 28 December 2004

By



Mark A. Litman  
Reg. No. 26,390  
(952) 932-9090

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 28 December 2004

Mark A. Litman  
Name

  
Signature